

DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

Shipman

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FILE: B-215852**DATE:** July 30, 1984**MATTER OF:** Matrix Instruments Inc.**DIGEST:**

Protest alleging a defect in a request for quotations, which was initially received by the contracting agency on the date specified for receipt of quotations, along with the protester's quotation, and in our Office after the date for receipt of quotations, is untimely under our Bid Protest Procedures and will not be considered.

Matrix Instruments Inc. (Matrix) protests award of a contract under request for quotations (RFQ) No. 263-84-Q (46) 0154, issued by the National Institutes of Health (NIH). Matrix alleges that the color graphics system from Image Resource Corporation model CFR-9 is not commercially available or in production now or by expected time of award. Matrix also alleges that a specified delivery date was not included in the RFQ.

We dismiss the protest as untimely.

Both bases of protest concern alleged defects in the RFQ. Section 21.2(b)(1) of our Bid Protest Procedures, 4 C.F.R. § 21.2(b)(1) (1983), provides that a protest based on alleged improprieties which are apparent prior to the closing date for receipt of initial proposals or quotations must be received by the contracting agency or by our Office prior to that date.

The RFQ required that quotations be submitted before the close of business on July 13, 1984. Matrix initially protested both bases of protest to the contracting agency in a letter dated July 13, 1984, and on that date alleges that it gave the letter, along with its quotation, to the official designated in the RFQ to contact for information. We have held, however, that a protest filed with the contracting agency at the same time as a proposal on the date for receipt of proposals is not timely. Tempest Technologies, Inc., B-213811, Mar. 13, 1984, 84-1 C.P.D. ¶ 302. The protest to our Office was not received until July 19, 1984, subsequent to the date for receipt of quotations.

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The protest is untimely and will not be considered.

For *Richard R. Pierson*
Harry R. Van Cleve
Acting General Counsel